

LAW OFFICES OF CARL M. VARADY

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ATTORNEY FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HITOMI NIHEI,

Plaintiff,

vs.

THOMAS T.M. HO and DOE  
ENTITIES 1-10,

Defendants.

CV04-00546 HG/KSC

PLAINTIFF'S WITNESS LIST;  
CERTIFICATE OF SERVICE

TRIAL DATE: November 14, 2006

Judge: Hon. Helen Gillmor

**PLAINTIFF'S WITNESS LIST**

Plaintiff, HITOMI NIHEI, hereby submits the following list of  
witnesses likely to testify at trial:

**I. LAY WITNESSES.**

NAME	SUBJECT MATTER	ESTIMATED TIME
1. HITOMI NIHEI	All matters related to her representation by Thomas Ho	4 hours
2. STACEY FUKUHARA, ESQ.	Statements made by Thomas Ho concerning his representation of Ms. Nihei	2 hours
3. THOMAS T.M. HO, ESQ.	All matters related to his representation of Ms. Nihei and his knowledge of EB-5 investor visas	4 hours
4. D. SCOTT MACKINNON, ESQ.	Plaintiff's investment in the 88 Piikoi Development Project, Defendant's representation of Plaintiff and all matters related thereto.	2 hours
5. IRIS TACHIBANA,	Defendant's activities from 1999 through present, including the facts related to the instant action.	2 hours
6. TETSUKO S. HO,	Defendant's activities from 1999 through present, including the facts related to the present case.	2 hours
7. KAZUMI MURATA	Defendant's custom and practice in immigration matters.	1 hour
8. TOSHIAKI TAKAHASHI	Defendant's course of practice in immigration matters in which Kyoiku Juku or other individuals known to Takahashi were involved.	1 hour

9. SHELDON S.H. ZANE, ESQ.,	Facts pertaining to Plaintiff's claims against Defendant, and, without limitation, Defendant's participation in drafting the repurchase agreement.	2 hours
10. JAMES HYRSYZIN	Facts pertaining Defendant's knowledge, prior to 1999, regarding the qualifications necessary for investors making EB-5 visa applications, as reported to the Department of Homeland Security.	1 hour

11. All witnesses identified or called by Defendant.

12. Rebuttal witnesses.

## II. EXPERT WITNESSES.

NAME	SUBJECT MATTER	ESTIMATED TIME
1. MARTIN LAWLER, ESQ.	Expert who will testify regarding standard of care applicable to EB-5 matters	2 hours
2. ANN E. WILSON, CPA	Expert who will testify regarding Ms. Nihei's financial losses.	1 hour

3. All witnesses identified or called by Defendant.

4. Rebuttal witnesses.

DATED: Honolulu Hawai'i, October 24, 2006.

/S/  
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 CARL M. VARADY  
 Attorney for Plaintiff  
 HITOMI NIHEI

**CERTIFICATE OF SERVICE**

I certify that a copy of the attached document was served by placing a copy in the United States mail first-class postage prepaid on the date indicated below, addressed to:

Samuel King Jr., Esq.  
King & King  
Dillingham Transportation Bldg.  
735 Bishop St., Ste. 304  
Honolulu, HI 96813

DATED: Honolulu, Hawai'i, October 24, 2006.

/S/  
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CARL M. VARADY